



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DIVISION OF VIRGINIA
RICHMOND DIVISION

K.B., by her Mother,
SAKIA HALL, as next friend, and
SAKIA HALL,

Plaintiffs,

vs.

3:11-cv-00065-JRS

HAROLD FORD,

Defendant.

DEPOSITION OF ELLENA EBANKS

May 26, 2011

5:34 p.m.

Taken at:

The City Attorney's Office
900 East Broad Street, Suite 300
Richmond, Virginia

REPORTED BY: LISA M. KULL, RPR

COOK & WILEY, INC.
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Post Office Box 14582
Richmond, Virginia 23221

1 ELLENA EBANKS, called by the Defendant,
2 after being duly sworn, testified as follows:

3

4 EXAMINATION BY MR. CORRIGAN:

5 Q Ma'am, would you state your full name,
6 please?

7 A Ellena Marie Ebanks.

8 Q Ms. Ebanks, what do you do for a living?

9 A I'm assistant principal for Fairfield
10 Court Elementary School.

11 Q How long have you been a --

12 A This is my second year.

13 Q -- principal? Make sure you let me
14 finish before you start. So we are not talking at
15 the same time.

16 How long have you been employed by the
17 Richmond Public Schools?

18 A 28 years.

19 Q 28 years?

20 A Yes, sir.

21 Q For the other years what did you do?

22 A Grade school teacher.

23 Q So you have a lot of experience in this
24 age group?

25 A Yes, sir.

1 Q Do you recall what happened on May 23,
2 2010 shortly before noon?

3 A Yes.

4 Q What do you recall?

5 A I recall that Ms. Edwards-Carter summoned
6 the support of the administration. So I was
7 notified by the secretary that she needed him.
8 The principal was then involved with a visitor.
9 So I decided I would go down.

10 At that time, coming out of the office,
11 Officer Ford walked in because he was there to
12 visit with one of his mentees on that day. And we
13 met in the hall, in the lobby. I told him I was
14 on my way to a class, that the teacher seemed to
15 be struggling. He said okay. I said you can walk
16 with me and he did.

17 When we got there, I believe there was a
18 young man standing near the telephone in her room
19 which is at the door. There was another one, a
20 couple in the back walking around and, of course,
21 the class was not in control.

22 When I stepped in, some got quiet. And
23 then I said, Mrs. Carter, how could I help you.
24 And she told me that they were being unruly. So I
25 quiet the class down.

1 Q Before that, do you recall seeing two
2 girls, one of whom was K.B., scrambling
3 over a workbook?

4 A Yeah. Right to the front. Because I
5 opened the door.

6 Q Did you know K.B. ?

7 A I did know K.B.

8 Q How did you know her?

9 A I previously knew her because she had an
10 altercation with a student. And she said the
11 student, this is the beginning of the school year,
12 probably closer to September, had taken something
13 from her. So I tried to support her.

14 Q Okay. And had K.B. had problems
15 with her behavior as a student generally?

16 A Yes. Yes. She had problems with her
17 behavior.

18 Q What type of problems did she have?

19 A Usually non-compliance, not being able to
20 follow directions, not respecting authority.

21 Q Did she have a counselor?

22 A She did have a counselor.

23 Q I am sorry. Go ahead. You were saying
24 you had started talking to the classroom?

25 A Right. But, I allowed Ms. Carter to tell

1 me some of the problems that was taking place in
2 her classroom. She expressed that she had not had
3 language arts and they couldn't progress and so
4 on. Then I addressed the entire class. Talked
5 about education, the importance of respecting, the
6 students were responsive. They started saying I
7 am sorry. K.B. was the only student that was not
8 responsive to what was happening. But, I
9 redirected her a couple of times.

10 Q What was she doing when you say she
11 wasn't responsive?

12 A Mumbling under her breath. Moving her
13 desk around. Pushing away from the desk. That
14 sort of thing. Still trying to reach over to the
15 little girl with the workbook. I re-directed her
16 a couple of times.

17 I told Ms. Carter, how do you want me to
18 help. She said she really wanted to finish my
19 language arts, but I am going to use humanities to
20 do it. Which is a type of music art. I said
21 okay, that works well. You should do your
22 language arts. And at that point K.B. she became
23 very outspoken and unruly. I am not going to do
24 that, why are we going to have this. Redirected
25 her again. And she settled down for a little bit.

1 I said to Officer Ford, would you like to
2 make some comments to the children about the
3 performance of what we are talking about and the
4 discipline. And, again, she interrupted with the
5 mumbling, the pushing of the desk, the sucking of
6 the teeth. So he addressed her and he said is
7 there something you would like to say. And she
8 said I don't care, she carried on a bit. And he
9 said why don't you step out and express yourself
10 outside.

11 Q Was he respectful toward her?

12 A Yes.

13 Q Did she go out?

14 A She went out.

15 Q Then what happened?

16 A I followed out behind them. The rest of
17 the class seemed to be on task. And I followed
18 out behind her. And she got -- did not want to
19 listen at the wall where he was. At that point it
20 was about lunch time. So the kids were coming
21 down the hall.

22 Q Other kids from other classes?

23 A Oh, yeah. Going to lunch at that time.
24 So he asked her to move, he said let's move to the
25 side of the wall. Calm down, it is okay, it is